

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, ET AL.;

Plaintiffs,

v.

UNITED STATES OF AMERICA, ET AL.;

Defendants,

and

KARLA PEREZ ET AL.;

STATE OF NEW JERSEY,

Defendants-Intervenors.

Case No. 1:18-cv-00068

***PRO HAC VICE'S* MOTION  
FOR  
LEAVE FOR LATER FILING UNDER FRAP RULE 29(a)(6)**

Charles Breiterman, admitted *Pro Hac Vice*, respectfully moves the court for leave to later file an *amicus* brief in support of the plaintiffs' Motion for Summary Judgment (Document #627). Federal Rule of Appellate Procedure 29(a)(6) requires that an *amicus* brief be filed "no later than 7 days after the principal brief of the party being supported is filed." ... "A court may grant leave for later filing, specifying the time within which an opposing party may answer."

Dated: February 8, 2023

Respectfully Submitted,



Charles Breiterman  
N.Y. Bar #4513685  
45 East 89 Street #24B  
New York, NY 10128  
Tel. 917-528-0474  
email: BreitermanLaw@gmail.com

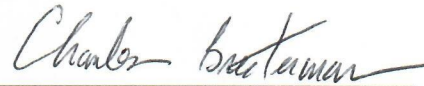
**AFFIRMATION IN SUPPORT OF *PRO HAC VICE*'S MOTION**  
**FOR LEAVE FOR LATER FILING**

Rule 29(a)(6) certainly appears to give the court absolute discretion to grant a later filing. The filing of the *amicus curiae* brief was at 12:01 a.m., according to the attached Notice of Electronic Filing. The brief could have been done hours earlier, but counsel was trying to cram more information and insight into the brief, given it was below the word limit, and due to this being a case of such national importance. It wasn't due to leaving it until the last minute. It was due to trying to add more. It could have been done 2 days ago if I had just kept it simple. This case is so important and complex that counsel suggests it is not inappropriate to allow the fullest possible briefing, in order to make the best possible decision.

For the foregoing reasons, movant respectfully requests that the Court grant this Motion for Leave to File Later than 7 days after the principal brief of the party being supported was filed.

Dated: February 8th, 2023

Respectfully Submitted,



Charles Breiterman  
N.Y. Bar #4513685  
45 East 89 Street #24B  
New York, NY 10128  
Tel. 917-528-0474  
email: BreitermanLaw@gmail.com

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

**Notice of Electronic Filing**

The following transaction was entered by Breiterman, Charles on 2/8/2023 at 0:01 AM CST and filed on 2/8/2023

**Case Name:** State of Texas et al v. United States of America et al

**Case Number:** 1:18-cv-00068

**Filer:** Charles A Breiterman

**Document Number:** 627

**Docket Text:**

**Amicus Curiae APPEARANCE by Charles A Breiterman, filed. (Attachments: # (1) Proposed Order Motion For Leave To File)(Breiterman, Charles)**


**1:18-cv-00068 Notice has been electronically mailed to:**

Aaron Steven Goldsmith aaron.goldsmith@usdoj.gov

Adeel A Mangi aamangi@pbwt.com, mcolitigation@pbwt.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of February, 2023, I caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

A handwritten signature in cursive script, reading "Charles Breiterman", is written above a horizontal line.

Charles Breiterman

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	)	
Plaintiffs,	)	
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v.	)	Case No. 1:18-cv-00068
	)	
UNITED STATES OF AMERICA, ET AL.;	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
KARLA PEREZ ET AL.;	)	
	)	
STATE OF NEW JERSEY,	)	
	)	
Defendants-Intervenors.	)	
	)	

**ORDER GRANTING *PRO HAC VICE* COUNSEL CHARLES BREITERMAN'S  
MOTION FOR LEAVE FOR LATER FILING UNDER FRAP RULE 29(a)(6)**

On considering *Pro Hac Vice* counsel Charles Breiterman's Motion for Leave for Later Filing, and the brief submitted herewith, the Court believes the Motion is meritorious and should be granted.

IT IS THEREFORE ORDERED that the Motion for Leave for Later Filing is GRANTED.

FURTHER ORDERED that the Clerk is directed to file the *amicus curiae* brief submitted with the Motion for Leave to File.

SIGNED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Honorable Andrew S. Hanen,  
U.S. District Court Judge